

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ANGEL ROGERS, et al.,

Plaintiffs,

v.

COUNTY OF KERN, et al.,

Defendants.

Case No. 1:23-cv-01182-KES-SAB

ORDER RE: STIPULATED MOTION TO  
MODIFY SCHEDULING ORDER AND  
FILE SECOND AMENDED COMPLAINT

(ECF No. 29)

Plaintiffs initiated this action on August 9, 2023. (ECF No. 1.) On December 5, 2023, the Court issued a scheduling order. (ECF No. 15.) Pursuant to the scheduling order, the deadline to file any motion or stipulation requesting leave to amend the pleadings was set for February 28, 2024. (Id. at 2.) The parties timely filed the first amended complaint on February 3, 2024. (ECF Nos. 16, 17, 18.) On March 20, 2024, the parties filed a stipulated motion to modify the scheduling order. (ECF No. 6.) The parties requested an extension of time of all deadlines except for the expired deadline to amend the pleadings. (Id. at 3.) On March 21, 2024, the Court entered an order modifying the scheduling order. (ECF No. 27.)

On July 5, 2024, the parties filed a stipulation requesting leave for Plaintiff to file an amended complaint, which the Court construes as a stipulated motion to modify the scheduling order and to grant leave to file an amended complaint. (ECF No. 29.) The parties proffer that Plaintiffs recently discovered the identity of the decedent's biological father. (Id. at 2.) The

1 parties contend that good cause exists to amend the complaint, given the decedent's biological  
2 father is a necessary party and must be named as a nominal defendant in this action. (Id.)  
3 Plaintiffs' proposed second amended complaint therefore only seeks to add Wayne Fulwood as a  
4 nominal defendant. (Id.) Although the parties seek leave to amend after the deadline to amend  
5 has passed, the parties proffer that leave to amend is a liberal standard and they do not wish to  
6 waste time, money, or judicial resources in engaging in motion practice. Plaintiffs request leave  
7 to file the proposed amended complaint within five days of any order granting leave to amend.  
8 The Court is satisfied that good cause exists to grant the parties' requested relief.

9 Accordingly, good cause appearing and pursuant to the stipulation of the parties, IT IS  
10 HEREBY ORDERED that:

- 11 1. The parties' stipulated motion to modify the schedule to extend the deadline to  
12 amend the pleadings to permit Plaintiff leave to file a second amended complaint  
13 (ECF No. 29) is GRANTED;
- 14 2. Plaintiff is GRANTED leave to file the second amended complaint **within five (5)**  
15 **days** of entry of this order;
- 16 3. Service shall be effected and any responsive pleadings shall be filed in accordance  
17 with the Federal Rules of Civil Procedure; and
- 18 4. All other aspects of the scheduling order continue to remain in effect.

19 IT IS SO ORDERED.

20 Dated: **July 8, 2024**

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23 UNITED STATES MAGISTRATE JUDGE  
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